APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,528	09/14/2001	Dae-Hoon Zee	12109.50USWO	7071

23552 7590 09/15/2004	EXAMINER	
MERCHANT & GOULD PC	REILLY, SEAN M	
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MINNEAPOLIS, MN 55402-0903	ART UNIT	PAPER NUMBER
	2153	

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/936,528	ZEE ET AL.
	Examiner	**Art Unit**
	Sean Reilly	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>9/14/2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/8/2004</u>

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. The disclosure is objected to because of the following informalities:

   - The disclosure references the following components which are not present in the

     figures: Component **50** (pg 11, line 15; pg 12, lines 34 & 35); Component **52** (pg 12,

     line23; pg 13, lines 6 & 11); Component **54** (pg 6, line 25; pg 12, line 30; pg 13, line

     1); Component **56** (pg 6, line 24; pg 12, line 29; pg 13, line 3). Appropriate

     correction is required.

   - On pg 13 line 15 Fig 1 is referred to as having regions A, B, and C. It is assumed that

     figure 4 should be referenced here instead, however further clarification is still

     needed as to what the "divided region A in A, B and C" actually represents.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1--18 are rejected under 35 U.S.C. 102(e) as being anticipated by Messenger et al.

❑ In considering claim 1, Messenger et al. discloses a method for providing Internet

   broadcasting data, comprising the steps of:

   - a) if a connection request signal is received from a first terminal, determining whether a

     number of terminals connected to a server is smaller than a threshold value (number of child

slots) (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6); [In Messenger's design the broadcast manager consists of one of more programs that can run on any combination of devices located anywhere on the network (see Col 5, Broadcast manager). Since each server or subordinate server is connected to a broadcast manager (multiple can exist; see Col 35, lines 43-46), then each server or subordinate contains the functionality of the broadcast server within.]

- b) if the number of the terminals connected to the server is smaller than the threshold value, transmitting broadcasting data to the first terminal (see Col 15, lines 34-38); and

- c) if the number of the terminals connected to the server is not smaller than the threshold value, leading the first terminal to try to connect a second terminal, wherein the second terminal is one of the terminals connected to the server (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6).

❑ In considering claim 2, Messenger et al. further discloses the method as recited in claim 1, wherein the step c) includes:

- c1) among the terminals connected to the server, selecting the second terminal as a subordinate server (see Col 14, lines 33-35); and

- c2) transmitting a reconnection leading message having an address of the subordinate server to the first terminal (see Col 15, lines 1-8).

❑ In considering claim 3, Messenger et al. further discloses the method as recited in claim 2, further including:

- the step d) performing the steps a) to c) in the subordinate server, when a connection request signal is received from the first terminal (see steps a to c references above). [In the Messenger design this repetitive step is accomplished by the broadcast manager placement algorithm.]

❑ In considering claim 4, Messenger et al. further discloses a method for providing Internet broadcasting data, comprising the steps of:

- a) transmitting a connection request signal to an Internet broadcasting server (see Col 14, lines 25-32);

- b) determining whether the received signal from, the Internet broadcasting server is broadcasting data or a re-connection leading signal; (see Col 15, lines 1-49) and

- c) if the signal received from the Internet broadcasting server is the broadcasting data displaying the received broadcasting data (see Col 15, lines 34-38 and Col 7 listener).

❑ In considering claim 5, Messenger et al. further discloses the method as recited in claim 4, further including the step of, if the signal received form the Internet broadcasting server is a re-connection leading signal, transmitting a connection request signal to the subordinate server, then repeating from the step b). (see Col 15, lines 1-49; Col 17, line 61- Col 18, line 17).

❑ In considering claim 6, Messenger et al. further discloses the method as recited in claim 4, further including the steps of:

- d) at the server, when receiving the connection request signal from the first terminal, determining whether the number of terminals connected to the server are larger than the threshold value (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6):

- e) at the server, if the number of the terminals connected to the server are smaller than the threshold value, transmitting broadcasting data to the first terminal (see Col 15, lines 34-38); and

- f) if the number of the terminals connected to the server are larger than the threshold value, leading the terminal to connect to a second terminal which is already connected to the server (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6).

- In considering claim 7, Messenger et al. further discloses the method as recited in claim 6, wherein the step f) includes the steps of:

- f1) among the terminals connected to the server, selecting the second terminal as a subordinate server (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6), and

- f2) transmitting a re-connection leading message having an address of the subordinate server to the first terminal (see Col 15, lines 1-8).

- In considering claim 8, Messenger et al. further discloses an Internet broadcasting system, comprising:

- a determining means for determining a number of terminals connected to the server are larger than a threshold value when receiving a connection request signal from a first terminal (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6);

- a transmission means for transmitting broadcasting data to the first terminal when the number of terminals connected to the server are smaller than the threshold value (see Col 9, line 30-34; Col 15, lines 17-29; Col 15, lines 34-38);

  and

- a control unit for leading the first terminal to a second terminal which is already connected to the server, when the number of the connected terminals are over the threshold value (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6).

☐ In considering claim 9, Messenger et al. further discloses the system as recited in claim 8, wherein the control unit includes:

- a means for selecting the second terminal as a subordinate server, wherein the second terminal is one of terminals already connected to the server (see Col 14, lines 25-35; Col 14, lines 51-65; and fig. 6);

  and

- a means for generating a re-connection leading message having an address of the selected subordinate server, and transmitting it to the first terminal (see Col 15, lines 1-8).

☐ In considering claim 10, Messenger et al. further discloses the system as recited in claim 8, wherein the transmission means transmits the broadcasting data by using a transmission control protocol/Internet Protocol (TCP/IP) protocol (see Col 11, lines 50-57).

☐ In considering claim 11, Messenger et al. further discloses the system as recited in claim 8, wherein the transmission means transmits the broadcasting data by using a user datagram protocol (UDP) protocol (see Col 11, lines 50-57).

❑ In considering claim 12, Messenger et al. further discloses the system as recited in claim 8, wherein the transmission means transmits the broadcasting data by using an Internet protocol (IP) multicasting protocol (see Col 11, lines 50-57).

❑ In considering claim 13, Messenger et al. further discloses an Internet broadcasting system comprising:

• a connection request means for requesting a connection to an Internet broadcasting server (see Col 14, lines 25-33);

• a receiving means for transmitting a re-transmitting leading signal to the connector request means when a reconnection leading signal is received from the Internet broadcasting server and for transmitting a broadcasting data to be displayed when the broadcasting data is received from the Internet broadcasting server (see Col 15, lines 1-50);

• a display means for displaying the broadcasting data received from the receiving means (see Col 15, lines 34-38 and Col 7 listener);

and

• a repeating means for transmitting the broadcasting data to the first terminal by receiving the broadcasting data from the broadcasting receiving means, according to the repeating request signal of the first terminal (see Col 9, lines 30-34; Col 12, lines 6-29).

❑ In considering claim 14, Messenger et al. further discloses the system as recited in claim 13, wherein the repeating means includes:

• a determining means for determining if a number of connected terminals are over a threshold value (see Col 14, lines 33-35; fig. 6);

- a transmission means for transmitting the broadcasting data to the first terminal, if the number of connected terminals is smaller than the threshold value (see Col 15, lines 34-38), and

- a connection leading means for leading the first terminal to be connected to a second terminal, if the number of connected terminal is over the threshold value (see Col 15, lines 1-8).

❑ In considering claim 15, Messenger et al. further discloses the system as recited in claim 14, wherein the connecting leading means includes:

- a selecting unit for selecting the second terminal which is one of the already connected terminals as a subordinate server (see Col 14, lines 33-35; Col 5, Broadcast Manager); and

- a transmission unit for generating a re-connection leading message having an address of the subordinate server, and transmitting it to the first terminal (see Col 5, Broadcast Manager; Col 15, lines 1-8).

❑ In considering claim 16, Messenger et al. further discloses the system as recited in claim 13, wherein the transmission means transmits the broadcasting data by using a transmission control protocol/Internet Protocol (TCP/IP) protocol (see Col 11, lines 50-57).

❑ In considering claim 17, Messenger et al. further discloses the system as recited in claim 13, wherein the transmission means transmits the broadcasting data by using a user datagram protocol (UDP) protocol (see Col 11, lines 50-57).

❑ In considering claim 18, Messenger et al. further discloses the system as recited in claim 13, wherein the transmission means transmits the broadcasting data by using an Internet protocol (IP) multicasting protocol (see Col 11, lines 50-57).
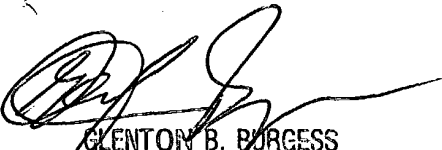
Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sean Reilly whose telephone number is 703-308-8646. The

examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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